

**A RESOLUTION BY:
COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**A RESOLUTION APPROVING THE DOWNTOWN DEVELOPMENT
AUTHORITY'S USE OF THE POWER OF EMINENT DOMAIN IN ACQUIRING
AN ASSERTED INTEREST UNDER A PURPORTED BILLBOARD LEASE
AGREEMENT IN THE PROPOSED NORTH YARDS BUSINESS PARK AND
FOR OTHER PURPOSES.**

WHEREAS, O.C.G.A. Sections 36-42-8.1, 36-44-5 and 36-44-6 give the Downtown Development Authority (DDA), as redevelopment agency for the English Avenue Redevelopment Plan, the right to acquire by exercise of the power of eminent domain, real property it may deem necessary for its purpose; and

WHEREAS, the property located at 506 North Avenue was acquired by Downtown Atlanta Revitalization, Inc. with the intention that the property be used as part of the North Yards Business Park; and

WHEREAS, a billboard exists on the roof of a building at 506 North Avenue; and

WHEREAS, Infinity Outdoor, Inc. claims ownership of the billboard and contends it has an interest in the real property pursuant to an agreement between Infinity Outdoor, Inc. as successor in interest to Outdoor Systems and Downtown Atlanta Revitalization, Inc. as successor in ownership to Castleberry's Meats, Inc. the former owner of the 506 North Avenue property; and

WHEREAS, Downtown Atlanta Revitalization, Inc. filed a dispossessory action against Infinity Outdoor, Inc. seeking a writ of possession in order to have the billboard removed; and

WHEREAS, Infinity Outdoor, Inc. filed a counterclaim and a request for a jury trial; and

WHEREAS, Infinity Outdoor, Inc. failure and refusal to remove the billboard is delaying the demolition of the building on the property at 506 North Avenue and continued redevelopment of the North Yards project; and

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WHEREAS, both parties agree to a condemnation action in order to resolve the disputed claims of Infinity Outdoor, Inc. and Infinity Outdoor, Inc. has agreed to remove the billboard or permit the billboard to be demolished upon the filing of a condemnation action.

WHEREAS, on October 26, 2000, the Board of Directors of the Downtown Development Authority approved the use of eminent domain to acquire any interest which may exist in the real property relating to the billboard located on the roof of 506 North Avenue; and

WHEREAS, O.C.G.A. Section 36-42-8.1 c. requires the governing body of the municipality to adopt a resolution approving the use of eminent domain power by the Downtown Development Authority.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

Section 1: The City of Atlanta hereby approves the use of the power of eminent domain by the Downtown Development Authority to acquire any interest which may exist in the real property located at 506 North Avenue relating to the billboard located on the roof of a building at 506 North Avenue and being a part of the proposed North Yards Business park,

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: Greg Pridgeon, Mayor's Office
(for review & distribution to Executive Management)

Commissioner Signature <u>[Signature]</u>	Director Signature _____
From: Originating Dept. <u>ADA</u>	Contact (Name) _____
Committee of Purview <u>CDHR</u>	Committee Deadline _____
Committee Meeting Date <u>11-15-2000</u>	City Council Meeting Date _____

CAPTION:

A RESOLUTION APPROVING THE DOWNTOWN DEVELOPMENT AUTHORITY'S USE OF THE POWER OF EMINENT DOMAIN IN ACQUIRING AN ASSERTED INTEREST UNDER A PURPORTED BILLBOARD LEASE AGREEMENT IN THE PROPOSED NORTH YARDS BUSINESS PARK AND FOR OTHER PURPOSES.

BACKGROUND/PURPOSE/DISCUSSION:

FINANCIAL IMPACT (if any):

NONE

OTHER DEPARTMENT(S) IMPACTED: _____

COORDINATED REVIEW WITH: _____

Mayor's Staff Only

Received by Mayor's Office: _____	Reviewed: _____	Submitted to Council: _____
(date)	(initials) (date)	

Action by Committee: ☐ Approved ☐ Adversed ☐ Held ☐ Amended ☐ Substitute ☐ Referred ☐ Other